

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOHN BUCKHANAN,

Plaintiff,

v.

WELLPATH, et al.,

Defendants.

No. 2:24-cv-02257-DAD-CKD (PC)

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS AND DISMISSING  
THIS ACTION WITHOUT PREJUDICE

(Doc. Nos. 2, 6)

Plaintiff John Buckhanan is a state prisoner proceeding *pro se* in this civil rights action brought pursuant to 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On October 3, 2024, the assigned magistrate judge issued findings and recommendations recommending that this action be dismissed without prejudice. (Doc. No. 6 at 1.) Specifically, the magistrate judge concluded that on August 26, 2024, plaintiff was ordered to provide a certified copy of his prisoner trust account statement for the preceding six months, plaintiff was cautioned that failure to do so would result in a recommendation that this action be dismissed, the thirty-day period has now expired, and plaintiff has not responded to the court's order. (*Id.*)

The findings and recommendations contained notice that any objections thereto were to be filed within fourteen (14) days after service. (*Id.* at 2.) On October 3, 2024, the court served the

1 pending findings and recommendations on the parties, including on plaintiff at the record address.  
2 (Doc. No. 6.) It is plaintiff's responsibility to keep the court apprised of his current address at all  
3 times, and service of documents at the record address of the party is fully effective. Local Rule  
4 182(f). On October 28, 2024, the findings and recommendations were returned to the court  
5 marked as undeliverable to plaintiff. (Doc. No. 6.) To date, no notice of change of address or  
6 objections have been filed, and the time in which to do so has now passed.

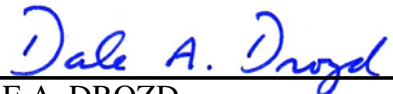
7 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a  
8 *de novo* review of the case. Having carefully reviewed the entire file, the court concludes that the  
9 findings and recommendations are supported by the record and by proper analysis.

10 Accordingly:

- 11 1. The findings and recommendations issued on October 3, 2024 (Doc. No. 6) are  
12 ADOPTED in full;
- 13 2. This action is DISMISSED without prejudice;
- 14 3. Plaintiff's motion to proceed *in forma pauperis* (Doc. No. 2) is DENIED as moot;  
15 and
- 16 4. The Clerk of the Court is directed to CLOSE this case.

17 IT IS SO ORDERED.

18 Dated: April 16, 2025

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20 DALE A. DROZD  
21 UNITED STATES DISTRICT JUDGE  
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